

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

Filed: August 28, 2023

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|--|---|---------------------------------------|
| * * * * *                                |   |                                       |
| JENNA INTROINI,                          | * | UNPUBLISHED                           |
| Personal Representative of the Estate of | * |                                       |
| ROBERT INTROINI, deceased,               | * |                                       |
|  | * |                                       |
| Petitioner,                              | * | No. 20-176V                           |
|  | * |                                       |
| v.                                       | * | Special Master Dorsey                 |
|  | * |                                       |
| SECRETARY OF HEALTH                      | * | Damages Award; Tetanus-Diphtheria-    |
| AND HUMAN SERVICES,                      | * | Acellular Pertussis (“Tdap”) Vaccine; |
|  | * | Transverse Myelitis (“TM”).           |
| Respondent.                              | * |                                       |
|  | * |                                       |
| * * * * *                                |   |                                       |

Ronald Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Felicia Langel, U.S. Department of Justice, Washington, DC, for Respondent.

### **DECISION AWARDING DAMAGES BASED ON PROFFER**<sup>1</sup>

On February 20, 2020, Robert Introini (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“Vaccine Act” or “the Program”), 42 U.S.C. § 300aa-10 *et seq.* (2018).<sup>2</sup> Petitioner alleged that he developed transverse myelitis (“TM”) as the result of a tetanus-diphtheria-acellular pertussis (“Tdap”) vaccination administered on February 24, 2017. Amended (“Am.”) Petition at 1 (ECF No. 42). On October 19, 2022,

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1 Because this Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims’ website and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

2 The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2018). All citations in this Decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

the undersigned issued a ruling finding Petitioner entitled to compensation. Ruling on Entitlement dated Oct. 19, 2022 (ECF No. 74). On November 17, 2022, Petitioner's counsel filed a joint status report informing the Court that Mr. Introini had passed away. ECF No. 77. On August 15, 2023, a motion to amend the caption was filed, along with evidence that Ms. Jenna Introini had been appointed personal representative of the estate of Mr. Introini. ECF Nos. 96, 98. The same day, the Court issued an order granting the motion and directing the substitution of "Jenna Introini, Personal Representative of the Estate of Robert Introini, deceased," as Petitioner. ECF No. 99.

On August 28, 2023, Respondent filed a Proffer on Award of Compensation ("Proffer"), attached hereto as Appendix A. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. Proffer at 2. Based on the record as a whole, the undersigned finds that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, the undersigned awards Petitioner:

**(1) A lump sum payment of \$85,410.00, which represents all elements of compensation to which Petitioner is entitled under § 15(a).**

Proffer at 2.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of the Court **SHALL ENTER JUDGMENT** herewith.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS**

JENNA INTROINI,  
Personal Representative of the Estate of  
ROBERT INTROINI, deceased,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

No. 20-176V  
Special Master Dorsey  
ECF

**PROFFER ON AWARD OF COMPENSATION**

On March 16, 2022, Robert Introini filed a Motion for Ruling on the Record (“Motion”) arguing that he had established entitlement to compensation for a transverse myelitis he suffered after receiving a tetanus-diphtheria-acellular-pertussis vaccine on February 24, 2017. ECF No. 65. Respondent filed his Response to Petitioner’s Motion on April 14, 2022, recommending that entitlement to compensation be denied. ECF No. 70. On October 19, 2022, the Court issued a Ruling on Entitlement finding that Mr. Introini was entitled to compensation.<sup>1</sup> ECF No. 74. On November 17, 2022, petitioner’s counsel filed a joint status report informing the Court that Mr. Introini had passed away. ECF No. 77. On August 15, 2023, a motion to amend the caption was filed, along with evidence that Ms. Jenna Introini had been appointed personal representative of

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<sup>1</sup> Respondent has no objection to the amount of the proffered award of damages set forth herein. Assuming the Special Master issues a damages decision in conformity with this proffer, respondent waives his right to seek review of such damages decision. However, respondent reserves his right, pursuant to 42 U.S.C. § 300aa-12(e), to seek review of the Special Master’s October 19, 2022 entitlement decision.

the estate of Mr. Introini. ECF Nos. 96, 98. The same day, the Court issued an order granting the motion and directing the substitution of “Jenna Introini, Personal Representative of the Estate of Robert Introini, deceased,” as petitioner. ECF No. 99.

**I. Items of Compensation**

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$85,410.00, which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).<sup>2</sup> Petitioner agrees.

**II. Form of the Award**

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment of \$85,410.00, in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

C. SALVATORE D’ALESSIO  
Director  
Torts Branch, Civil Division

HEATHER L. PEARLMAN  
Deputy Director  
Torts Branch, Civil Division

TRACI R. PATTON  
Assistant Director  
Torts Branch, Civil Division

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<sup>2</sup> Should petitioner die prior to the entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering.

/s/ Felicia D. Langel  
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DATED: August 28, 2023